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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,458	09/15/2003	Valentino Campagnolo	CAM3-PT023.1	2887

3624 7590 05/04/2005

VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER
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CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/663,458

Applicant(s)

CAMPAGNOLO, VALENTINO

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/716,236.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to the amendment filed 1-03-2005, which has been entered.

Claims 1-28 are currently pending.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/716236, filed on 11-21-2000.

#### ***Drawings***

2. The examiner has accepted the drawing filed with this amendment.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: the specification is replete with the legal term "said". Examples of the legal term can be found in paragraphs [0025]-[0027]; the legal term "said" is not proper in the specification and should be changed to --the--. Appropriate correction is required.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 11, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Compagnolo in view of Rennerfelt (5,025,563). Compagnolo

discloses a gearshift having a first body (16) attached to a from of a bicycle, a second body (17) displaced from the first body, an electric motor (27), for displacing the second body relative to the first body and a transducer (32, 33, 34) for detecting the position of the second body relative to the first body. Compagnolo does not disclose the transducer is an absolute transducer. Absolute transducers are well known for measuring incremental values and to provide accuracy during operation. Rennerfelt discloses an absolute transducer (10, 11) in a robot and connected to a rotating shaft for measuring the absolute value of the shaft angle and to maintain the current setting of the shaft angle or position in case of a power failure (col. 1, lines 10-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the transducer of Campagnolo so that it is an absolute transducer in view of Rennerfelt in order to measure incremental values, to provide accuracy during operation and to maintain the current setting with the need to reset the transducer in case of power failure.

6. Claims 3-4, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campagnolo in view of Rennerfelt as applied to claim 1 above and further in view of DE (19848052). Campagnolo does not disclose the transducer is a potentiometer. DE (19848052) discloses a motor driven derailleur having a potentiometer (72) disposed and connected to the derailleur in order to provide a more accurate and précised linear and angular measurement of the movements of the derailleur body and to make the system more compact. Therefore, it would have been in the art at the time of the invention to further modify the transducer of Campagnolo so

that is a potentiometer in view of DE (19848052) in order to provide a more accurate and précised linear and angular measurement of the movements of the derailleur body and to make the system more compact.

7. Claims 2, 5-10, 13-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campagnolo in view of Rennerfelt. Campagnolo does not disclose a specific type of transducer. Applicant discloses in page 6 of the specification that is optical, magnetic and Hall-effect transducers are well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Campagnola to include a transducer as claimed in order to provide a more accurate reading and position of the second body.

8. Claims 21, 23, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campagnola in view of Neff (3,787,690). Campagnola discloses the claimed invention as in paragraph 5 above. Campagnola does not disclose the output signal from the transducer selectively disables the motor. It is inherent and well known for the output signal of a transducer to control the motor such as disabling the motor. Nell discloses the output signal from a transducer (28/29) interrupts or disables the operation of the motor (15, col.6, 40-65) in order to prevent the motor from undergoing any over-load conditions, prevent system deviation thus ensuring normal operation of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Campagnola so that the output signal from the transducer disables the motor in view Neff in order to prevent the motor from

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undergoing any over-load conditions, prevent system deviation thus ensuring normal operation of the system.

9. Claims 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campagnola as applied to claims 21 and 23 above, and further in view of Rennerfelt. Campagnolo does not disclose the transducer is an absolute transducer. Absolute transducers are well known for measuring incremental values and to provide accuracy during operation. Rennerfelt discloses an absolute transducer (10, 11) in a robot and connected to a rotating shaft for measuring the absolute value of the shaft angle and to maintain the current setting of the shaft angle or position in case of a power failure (col. 1, lines 10-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the transducer of Campagnolo so that it is an absolute transducer in view of Rennerfelt in order to measure incremental values, to provide accuracy during operation and to maintain the current setting with the need to reset the transducer in case of power failure.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DE (10030038), DE (3720828) and EP (0300183) disclose an absolute transducer. UK (2045462), JP (62,164268), JP (58,44955) and Laughton et al. (5,023,422) disclose a transducer having output signal for disabling a motor.

### ***Response to Arguments***


11. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (757) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
April 28, 2005